

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JERRY WANG, *et al.*,

Plaintiffs,

vs.

COUNTY OF NYE, *et al.*,

Defendants.

Case No. 2:08-cv-01258-RLH-GWF

**FINDINGS AND
RECOMMENDATIONS**

This matter is before the Court on this Court's Order to Show Cause Why Sanctions Should Not Be Imposed Against Plaintiffs Forum Group Limited and Quality Utilities, LLC (#103), filed August 20, 2010. Plaintiffs Forum Group Limited ("Forum Group") and Quality Utilities, LLC ("Quality Utilities") were ordered to Show Cause, in writing, no later than September 3, 2010 why their Amended Complaint should not be dismissed for failure to retain counsel.

BACKGROUND

On July 26, 2010, the Court granted the then attorney for Plaintiffs' Motion to Withdraw as Counsel. (#100). As part of the order, the Court notified Forum Group and Quality Utilities that they would have to retain new counsel within fourteen days as a corporation or limited liability company could not appear in court except through licensed counsel. (*Id.*) Plaintiffs failed to comply with the July 26 Order and on August 20, 2010, the Court ordered Forum Group and Quality Utilities to show cause why their amended complaint should not be dismissed as a sanction for failure to retain counsel and failure to comply with a court order. To date, Plaintiffs Forum Group and Quality Utilities have failed to comply with the Court's orders.

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DISCUSSION

Pursuant to 28 U.S.C. § 1654, it is impermissible for corporate parties to proceed *pro se* in federal court. While 28 U.S.C. § 1654 provides that “[i]n all courts of the United States the parties may plead and conduct their own cases personally,” this section does not apply to corporations, partnerships, or associations. “It has been the law for the better part of two centuries . . . that a corporation may appear in the federal courts only through licensed counsel.” *Rowland v. California Men’s Colony, Unit II Men’s Advisory Council*, 506 U.S. 194, 201-02, 113 S.Ct. 716, 721 (1993) (citing, *inter alia*, *Osborn v. President of Bank of United States*, 22 U.S. 738, 829 (1824)). Where a corporation fails to retain counsel to represent it in an action or fails to otherwise comply with the court’s orders, its complaint or answer may be stricken and a default judgment entered against it. See *Employee Painters’ Trust v. Ethan Enterprises, Inc.*, 480 F.3d 993, 998 (9th Cir. 2007).

Because Plaintiffs have not been represented by counsel in this case since July 26, 2010 and they have failed to retain counsel, the Court finds that Plaintiffs Forum Group and Quality Utilities’ amended complaint should be dismissed. Furthermore, the Court finds that Plaintiff has failed to comply with the Court’s July 26 Order (#100) and failed to show cause why sanctions should not be imposed as ordered by the Court on August 20 (#103). Accordingly,

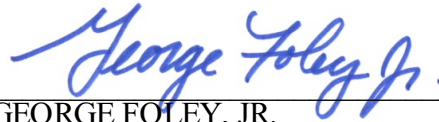
RECOMMENDATION

IT IS HEREBY RECOMMENDED that Plaintiffs Forum Group and Quality Utilities’ Amended Complaint (#2) be dismissed.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court’s order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

1 DATED this 23rd day of September, 2010.

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4 GEORGE FOLEY, JR.
5 United States Magistrate Judge
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